

COMMISSION ON JUDICIAL PERFORMANCE  
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JUDICIAL PERFORMANCE COMMISSION ISSUES  
PUBLIC ADMONISHMENT OF JUDGE JEFF FERGUSON

The Commission on Judicial Performance has publicly admonished Judge Jeff Ferguson of the Orange County Superior Court. The commission determined that Judge Ferguson violated the Code of Judicial Ethics by posting a statement about a candidate for judicial office on Facebook with knowing or reckless disregard for the truth of the statement and remained Facebook friends with attorneys appearing before him.

Deputy District Attorney Karen Schatzle was a candidate for judicial office in 2016. Judge Ferguson supported her opponent, Judge Scott Steiner, who was publicly censured by the commission in 2014 for conduct that included sexual activity in the courthouse. On April 26, 2016, Ms. Schatzle posted on the North Orange County Bar Association (NOCBA) Facebook page: "Scott Steiner uses his office for sex and yet so many aren't concerned, crazy politics!" Judge Ferguson posted in response: "Karen Shatzle [*sic*] has sex with defense lawyer whike [*sic*] shw [*sic*] is a DA on his cases and nobody cares. Interesting politics." After Ms. Schatzle responded to the post ("I'm sure The Judicial Commission of Performance (*sic*) would love to know about your blogging!!"), Judge Ferguson removed it. The judge claimed to be relying on "commonly known information" from many years ago when he made his post but he could provide no factual support for this reference and the declaration from one attorney who purportedly had knowledge of the relationship admitted that the attorney had no evidence that Ms. Schatzle and the defense attorney appeared on the same cases while involved in an intimate relationship. Both Ms. Schatzle and the defense attorney deny any intimate involvement while they were appearing on the same cases.

Judge Ferguson acknowledged that he was wrong to write the post, recognized that it fell outside the bounds of professionalism and the decorum expected of a bench officer, and apologized for his conduct. While noting these mitigating factors, the commission stated that they "do not outweigh the seriousness of his misconduct in accusing a judicial candidate of ethical impropriety with a reckless disregard for the truth. The judge's post was not only potentially injurious to the candidate, but also undermined public respect for the judiciary and the integrity of the electoral process."

The public admonishment also concerned the judge being Facebook friends with three Orange County criminal defense attorneys for a period of time after becoming a judge while the attorneys had cases pending and appeared regularly before him in court. The judge did not disclose that he was Facebook friends with these attorneys. After being contacted by the commission about the matter, the judge promptly unfriended the attorneys.

The public admonishment is available on the commission's website at <http://cjp.ca.gov> (under "Pending Cases - Press Releases & Documents" and "Public Discipline & Decisions") and at the commission's office. Judge Ferguson is represented by Attorney Paul S. Meyer of Costa Mesa.

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The commission is composed of six public members, three judges and two lawyers. The chairperson is Honorable Ignazio J. Ruvolo of the Court of Appeal, First Appellate District. Commission member Dr. Michael A. Moodian was recused from this matter.

For further information about the Commission on Judicial Performance, see the commission's website at <http://cjp.ca.gov>.